



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

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MEMORANDUM DECISION
AND ORDER

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03-MDL-1570 (GBD) (SN)

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GEORGE B. DANIELS, United States District Judge:

Before this Court is Magistrate Judge Netburn's October 12, 2016 Report and Recommendation ("Report," ECF No. 3358) recommending that this Court award a default judgment against Defendants in the amount of \$1,759,715,035 and recommending that plaintiffs' claims for punitive damages be denied without prejudice to a future application. This Court adopts the Report in its entirety.

Plaintiffs in *Hoglan v. Islamic Republic of Iran*, 11-cv-7550 (GBD) (SN), one of numerous related actions filed on behalf of the estates and family members of the victims of the September 11, 2001 attacks sought entry of default judgment awarding them compensatory and punitive damages against the Islamic Republic of Iran, Ayatollah Ali Hoseini Khamenei, Hezbollah, and other Iranian individuals and entities. On August 31, 2015, this Court granted Plaintiffs' motion for entry of default, entered judgment on liability against Defendants, (ECF No. 3023), and referred this case to Magistrate Judge Maas for an inquest on damages, (ECF No. 3029). Plaintiffs timely filed inquest papers. (ECF Nos. 3194.) Defendants did not respond. (*See id.*) On October 4, 2016, the case was transferred to Magistrate Judge Netburn for calculation of damages.

I. LEGAL STANDARD

This Court may accept, reject, or modify, in whole or in part, the findings set forth in the Report. 28 U.S.C. § 636(b)(1)(C). When no party files objections to a Report, the Court may adopt the Report if “there is no clear error on the face of the record.” *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); *Wilds v. United Parcel Service, Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (“To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record” (internal citations and quotation marks omitted)).

Magistrate Judge Netburn advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (Report at 21-22); *see also* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). As of the date of this Order, no objection to the Report has been filed. The Report contains no clear error of law and is adopted by this Court.

III. CONCLUSION

For the reasons stated in Magistrate Judge Netburn’s October 12, 2016 Report and Recommendation at ECF No. 3358, judgment is therefore entered against Defendants in the amount of \$1,759,715,035. Plaintiffs receiving solatium damages and the Estates receiving pain and suffering damages shall be awarded prejudgment interest on those damages from September 11, 2001 to the date of judgment at the rate of 4.96 percent per annum, compounded annually. Plaintiffs’ claims for punitive damages are denied without prejudice. The parties are ordered to submit any further briefing regarding punitive damages to Magistrate Judge Netburn.

Dated: New York, New York
October 31, 2016

SO ORDERED.

OCT 31 2016

George B. Daniels
GEORGE B. DANIELS
United States District Judge